

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:ACCIDENT OF THE LADY D
ON MARCH 6, 2004
in Baltimore, Maryland

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Docket No. DCA 04 MM015

Wednesday,
March 31, 2004

INTERVIEW OF:

ANTONIO ACOSTA

PRESENT:

MORGAN J. TURRELL, NTSB

1 P R O C E E D I N G S

2 MR. TURRELL: Good morning. This is Morgan
3 Turrell, the National Transportation Safety Board. It
4 is March 31. We are at the Marriott Hotel in
5 Alexandria, conducting a witness interview with
6 Sergeant Antonio Acosta of the Puerto Rico
7 International Guard. With him by telephone is the
8 Company's representative from Seaport Taxi, Andy, go
9 ahead and introduce yourself.

10 MR. MURRAY: My name is Andy Murray, I am
11 Director of Natural Historic Seaport and I am
12 representing Seaport Taxi.

13 MR. TURRELL: Okay. And Sergeant, will you
14 introduce yourself?

15 SERGEANT ACOSTA: My name is Antonio Acosta,
16 Puerto Rico International Guard.

17 MR. TURRELL: And how old are you, sir?

18 SERGEANT ACOSTA: Twenty seven.

19 MR. TURRELL: Okay. And what do you do in the
20 International Guard?

21 SERGEANT ACOSTA: I am computer, computer
22 maintenance technician.

23 MR. TURRELL: Okay. And if would you just
24 kindly tell us in your own words, what happened on
25 March 6.

1 SERGEANT ACOSTA: Starting when?

2 MR. TURRELL: Starting that afternoon when you
3 boarded the first water taxi.

4 SERGEANT ACOSTA: Well, when we got on the
5 first boat, everything was going, it was okay, it was
6 kind of cloudy but, it was good.

7 MR. TURRELL: Can you hear okay, Andy?

8 MR. MURRAY: Not, not good. I am wondering if
9 they can either speak up or get closer to the --

10 MR. TURRELL: Okay. We are moving the phone,
11 here we go.

12 MR. MURRAY: Great.

13 MR. TURRELL: Okay.

14 SERGEANT ACOSTA: Well, it was kind of cloudy,
15 when we got, in the first boat. It was a bigger boat
16 than the one we capsized in. That boat went from, from
17 the Inner Harbor to Fells Point.

18 MR. TURRELL: Okay.

19 SERGEANT ACOSTA: And we got out at Fells
20 Point, we were there for like, I don't know, maybe an
21 hour, maybe two hours, just going around. We went to
22 eat. And we got onto the next boat to go to Fort
23 McHenry. And the day got better. The sun came out and
24 the clouds had moved away and what not. From, from, I
25 couldn't remember exactly what time this was, but,

1 looking at the pictures that I have taken and from the
2 time frame of the pictures, it was about 2:16, when we
3 were getting ready to go into the boat. We probably
4 left around five minutes after that. And --

5 MR. TURRELL: And you were going to?

6 SERGEANT ACOSTA: To Fort McHenry.

7 MR. TURRELL: Okay.

8 SERGEANT ACOSTA: And we arrived at Fort
9 McHenry, again, I can't remember exactly the times, but
10 the pictures tell me around 2:30, 2:29, something like
11 that. And we were there for, oh, we arrived at that
12 time and we got on the boat around, oh, close to four,
13 it wasn't four yet. It was like 3:40 something. And by
14 this time the weather is still, on the side of the Fort
15 McHenry, it didn't look that bad. It was getting bad,
16 but it wasn't that bad. If you looked towards the
17 Inner Harbor it did look bad, that way. But, I mean,
18 it seemed too far away.

19 We were the last, me and Gonzalez were the
20 last few to get on that board. Everybody was already
21 seated. And they were just waiting for us. Sergeant
22 Blakely had asked the captain, I guess, to wait for us,
23 because we were coming and they waited for us. We got
24 there and we just sat in the boat and off we went right
25 away. As we started, started out and I would say, we

1 were, I am not too good with like range, you know,
2 saying from here to there is 100 meters, but, but, I
3 know it was pretty far from, I mean, not, not that far,
4 we were far from the shore, when I remember I heard
5 Blakely, Blakely told us, like they are expecting bad
6 weather. That is why I was telling you to hurry up. I
7 said, okay. So, we were just in the boat and then I
8 heard another transmission, like, I would say a few
9 minutes before, before the boat actually capsized and
10 from what I could hear it said something about they
11 were expecting 30 knot winds, but that is all it said.

12 And some other stuff, but, you know, how those radios
13 are, you can barely understand what they say.

14 MR. TURRELL: Right.

15 SERGEANT ACOSTA: We were, I was joking with
16 Gonzalez and I go, oh, look, the weather looks, it
17 started getting bad. And the boat started, you know,
18 rocking a little bit, not too bad, but, a little bit.
19 And by the time, it was in a matter of seconds,
20 actually, I turned to him, oh, man, we are going to,
21 like the boat started moving around real bad then, and
22 I told him like, oh, we are going to, we are going to
23 capsize. So, we ought to take some pictures so I can
24 have a record of it. And, and I took two pictures, and
25 when I took the second picture, the boat actually, I am

1 going to show you.

2 MR. TURRELL: Okay.

3 SERGEANT ACOSTA: It was going this way, I was
4 sitting right here behind the captain and the boat
5 started going like that, and there was a point when the
6 first mate, who was on the back, by that back door, the
7 boat started rocking and he said, like, I need some
8 people to move to this side of the boat to balance it a
9 little bit, from this side to that side. And, but,
10 then I guess everybody was starting to get scared and
11 like everybody got up at once, so he said, no, sit
12 down, sit down, everybody sit down. And then a few
13 people got up and then he sat us back down. And then
14 right after that, that is when I, that is when I told
15 him, we are going to capsize. That is when I took
16 those two pictures. And on the second picture, I don't
17 know if you can notice, it is kind uneven. I took the
18 pictures straight, but the boat was like this at that
19 point, on this one. See, it kind of looks like that.

20 MR. TURRELL: Right.

21 SERGEANT ACOSTA: A little bit, well, the boat
22 actually went that way. And it, I mean that one was
23 scary, so that is when I stopped taking pictures. I
24 just let my camera hang on my neck and a few seconds
25 after that, it didn't take a minute, before the boat

1 actually, actually capsized.

2 I was sitting on this side, and from what I
3 can remember, it is like the boat went like this, I
4 guess, on a wave or something, and then all of a sudden
5 it just kept on going, and it fell like that. I was
6 sitting here and I fell to this side, that is why I
7 know that is the way it went, because I was sitting
8 here and I fell that way. Then I stood up, as soon as
9 it was like this, I stood up as fast I could and I
10 reached for the window, and I was trying to open it and
11 it wouldn't open. It had a lock on it.

12 MR. TURRELL: So, where is the captain sitting
13 on there?

14 SERGEANT ACOSTA: He is over here. He is
15 falling over here already.

16 MR. TURRELL: So you are saying the boat
17 capsized to port.

18 SERGEANT ACOSTA: It went this way, that is
19 the way it fell. I mean, it went that way. I got out
20 of the window, I was sitting on, this side. This side
21 right here. Because I fell on top of him and all went
22 to that side, that is where I hurt my hand. And as
23 soon as I could, you know, those seats are, you have
24 seen they are like this, and it has got wood on that
25 side, I stood up on that, and I reached for the window,

1 and I tried to open it at first and it didn't open
2 because they are like sliding windows, like this.

3 MR. TURRELL: Right.

4 SERGEANT ACOSTA: And it has a lock on this
5 side right here, so I started trying to open it at
6 first and it didn't open because the lock was on, and I
7 started just going crazy with the window and the lock
8 opened and I was able to slide the window open. And at
9 this point all I could hear was everybody was screaming
10 and the little girl, women, everything, you heard
11 screams and like, I could feel the water on these
12 windows right here, because it was like that. And
13 then, this happened in like no time, you know, it is
14 all like, this all came back after, you know, it
15 settled in, and as I am trying to open this window, I
16 look to my right, and I see another guy trying to open,
17 I could hear when he was able to open the window, and
18 when it hit. And then as soon as, it like he opened
19 his and I opened mine and right then, I heard the water
20 started coming in or something, and I felt the window
21 just broke and it caved in, it fell in because I felt
22 like, that is what I felt this sensation. I don't know
23 if it was the water or it was that the window actually
24 just collapsed.

25 MR. TURRELL: Which window would this have

1 been?

2 SERGEANT ACOSTA: I wouldn't say the first
3 one, because see this would be the first one, and I was
4 sitting in front of him, because this side, the seats
5 don't go out that far.

6 MR. TURRELL: Okay.

7 SERGEANT ACOSTA: So, I would say it was the
8 one next to him. And then I felt this fall down and I
9 got out as soon as I, like, this is going on, I can
10 feel going out of boat, but, I don't see anything. And
11 all I could feel was like I am being dragged down, and
12 I had a bag with me, and I had it on one shoulder
13 because, I mean, at first I had on my side, but, when
14 the captain asked us to stand up, just to move, I put
15 it on my shoulder and I just left it there and didn't
16 notice until I felt I was being pulled back down, then
17 I just went like that and let it go and the next thing
18 I know, I am up and the water and the boat is already
19 like that.

20 MR. TURRELL: Okay.

21 SERGEANT ACOSTA: It just happened in like no
22 time.

23 MR. TURRELL: Okay. Can you tell me how long
24 it was from the time you left the Fort to the time the
25 boat capsized?

1 SERGEANT ACOSTA: Oh, well, I can tell you
2 from the pictures.

3 MR. TURRELL: Well, just in your own, your
4 own --

5 SERGEANT ACOSTA: My own, I don't know, maybe,
6 it is a small, slow boat, but, maybe four, five
7 minutes.

8 MR. TURRELL: Okay.

9 SERGEANT ACOSTA: I can't exactly tell you.
10 And, oh, before we capsized, the, this is something,
11 you know, I told this story so many times already.

12 MR. TURRELL: Right.

13 SERGEANT ACOSTA: Before we capsized, as we
14 started hitting the bad weather, the captain was, we
15 were going, let's say Fort McHenry is down here.

16 MR. TURRELL: Right.

17 SERGEANT ACOSTA: This is the shore.

18 MR. TURRELL: Right.

19 SERGEANT ACOSTA: I mean, Fort McHenry is
20 here, Fells Point is over there.

21 MR. TURRELL: Okay.

22 SERGEANT ACOSTA: So, we were like, there are
23 some buildings and stuff here, some land.

24 MR. TURRELL: Okay.

25 SERGEANT ACOSTA: We cleared that, and when we

1 were like right here, I would say, I mean, Fort
2 McHenry, Fells Point would be further, but, let's take
3 from, this is Fort McHenry, we got out, say this is the
4 end of where those buildings are.

5 MR. TURRELL: Right.

6 SERGEANT ACOSTA: We cleared that part, and
7 when we were like this, that is when it started hitting
8 us bad. And the captain was, there was a point where
9 we were like right there and then he started turning
10 around trying to see if he could reach this side of
11 the, this side right here.

12 MR. TURRELL: Okay. Turned the boat, the boat
13 turned starboard.

14 SERGEANT ACOSTA: Yeah, it went like that,
15 trying to go this way.

16 MR. TURRELL: Okay.

17 SERGEANT ACOSTA: I thought I heard him say
18 something like we will see if the wind tells us, go to
19 this shore, it is closer to Fells Point. It is closer
20 than Fort McHenry. And after this picture was taken,
21 when the boat actually rode rough like this, real bad,
22 that is when the first mate said, there a life jackets
23 under the seat.

24 MR. TURRELL: Okay.

25 SERGEANT ACOSTA: Because when this happened,

1 I mean, it was scary and everybody started screaming,
2 that is when he said, there are life vests under the
3 seats. And a few seconds later, we are on the side.
4 There was no time to get any life vests out or nothing.

5 MR. TURRELL: Okay. Let me ask you about the,
6 your camera, when did you purchase this camera?

7 SERGEANT ACOSTA: February 25, like 10 days
8 before, 11 days before this happened.

9 MR. TURRELL: Okay. And when did you set the
10 clock?

11 SERGEANT ACOSTA: Probably the day before, or
12 the day before the day before.

13 MR. TURRELL: So, March 4 or 5.

14 SERGEANT ACOSTA: Yeah, fourth or fifth.

15 MR. TURRELL: Okay. And, and what did you set
16 the internal clock to?

17 SERGEANT ACOSTA: I set it to my wristwatch
18 and I set my wristwatch to a GPS clock, because we have
19 to do some stuff at certain times and I just, I have my
20 clock by the clock I need to set the other clock.

21 MR. TURRELL: Right.

22 SERGEANT ACOSTA: That is why --

23 MR. TURRELL: So, this, the GPS clock, how
24 often do you check your watch against that GPS clock?

25 SERGEANT ACOSTA: I would say every night.

1 MR. TURRELL: Every night.

2 SERGEANT ACOSTA: I am working days and we
3 have some stuff we have to do every day.

4 MR. TURRELL: Okay. So, routinely your watch
5 is --

6 SERGEANT ACOSTA: I would it is a second
7 behind.

8 MR. TURRELL: One second.

9 SERGEANT ACOSTA: Yeah, second off.

10 MR. TURRELL: Okay. And was the clock set to
11 daylight savings time or was there any adjustment for
12 that made?

13 SERGEANT ACOSTA: No, it is just set to
14 whatever time it is right now.

15 MR. TURRELL: Okay. Standard time.

16 SERGEANT ACOSTA: Yes.

17 MR. TURRELL: Okay. And if you could just
18 describe these three particular photographs that we
19 have shown you here.

20 SERGEANT ACOSTA: Okay. This is where we were
21 coming down the hill, it is like a little hill, from
22 Fort McHenry, going down and, I just saw --

23 MR. TURRELL: This is looking north from the
24 Fort.

25 SERGEANT ACOSTA: I couldn't tell you which

1 way is north, but right --

2 MR. TURRELL: Okay. The water way here and --

3 SERGEANT ACOSTA: Right here is where the,
4 where we took the taxi.

5 MR. TURRELL: Okay.

6 SERGEANT ACOSTA: Behind this, that is where
7 the fire boats are, that is where we took the taxi.

8 MR. TURRELL: Okay. And what can you tell us
9 about the weather here, you were telling me earlier?

10 SERGEANT ACOSTA: Well, yeah, the picture is
11 kind of dark, it wasn't that dark. It was actually a
12 little bit clearer. I had a circular polarized lens
13 and it makes the picture a little bit darker, if the
14 weather is kind of, kind of like cloudy, a little bit
15 and it will make the picture darker. If the weather is
16 too bright, then it will make it so it doesn't look
17 that bright. That is what it is for, it is like sun
18 glasses for your camera.

19 MR. TURRELL: Okay.

20 SERGEANT ACOSTA: But, it wasn't that dark.
21 And then --

22 MR. TURRELL: This is the first --

23 SERGEANT ACOSTA: This one is the first one.

24 MR. TURRELL: There was, right, there is --

25 SERGEANT ACOSTA: Yeah, that is one of the

1 little girls.

2 MR. TURRELL: Right. Okay. And this gentleman
3 here is --

4 SERGEANT ACOSTA: That is Staff Sergeant and
5 Master Sergeant Blakely.

6 MR. TURRELL: Okay. And what, what was
7 happening at this time when you took this photograph?

8 SERGEANT ACOSTA: The water, you could see the
9 water getting bad and the wind was hitting the windows
10 pretty bad. At this point we had like a few, I would
11 say not even a minute, the wind started blowing.

12 MR. TURRELL: Okay.

13 SERGEANT ACOSTA: I would say kind of bad,
14 some of the windows were open, so the weather started
15 getting, coming in and they closed them. And I said,
16 oh, this doesn't look good. Let's take some pictures
17 of, just joking with him, like, as long as I can swim,
18 my camera don't get wet, if we sink, I can swim to
19 shore, and just joking with him. Oh, you care more
20 about your camera than you care about your life. I am
21 just joking, man. Then the next picture, is when the
22 boat actually, I mean, it is like when you are an
23 airplane, it starts rocking, you don't believe it is
24 going to, you know, fall or nothing. And when this is
25 started, right here, this corner of the boat went like

1 that.

2 MR. TURRELL: Okay.

3 SERGEANT ACOSTA: And then you can tell on his
4 face, I mean, it actually hit pretty bad and it came
5 back. And everybody was --

6 MR. TURRELL: How long after this photograph
7 time stand, 15:55 roughly, 15:54.57, how long after
8 this action did the capsizing occur?

9 SERGEANT ACOSTA: After that I let my camera
10 go, and I would say, it didn't take a minute. Because I
11 mean, it was just that fast. I don't think it took
12 more than a minute before it capsized. It took
13 seconds, I thought.

14 MR. TURRELL: Okay. So, somewhere between,
15 less than a minute, is that correct?

16 SERGEANT ACOSTA: Yeah, we could, you could
17 say less than a minute, but it didn't go over 30
18 seconds I would say.

19 MR. TURRELL: Okay.

20 SERGEANT ACOSTA: That is how fast it was.

21 MR. TURRELL: Okay.

22 SERGEANT ACOSTA: And he was actually trying
23 to, this right here, he was still trying to steer the
24 boat towards, I would say, that is Fort McHenry,
25 towards this shore over here. We are actually closer

1 to that.

2 MR. TURRELL: And when this occurred, did you
3 hear any transmissions on the radio?

4 SERGEANT ACOSTA: No, no.

5 MR. TURRELL: The captain making any
6 transmissions.

7 SERGEANT ACOSTA: No.

8 MR. TURRELL: Did you notice the captain do
9 anything with either the engines or the steering?

10 SERGEANT ACOSTA: Well, he was steering the
11 boat towards that way.

12 MR. TURRELL: Okay. Starboard.

13 SERGEANT ACOSTA: Yes, going like that. And
14 as far as radio transmissions, I didn't hear any. The
15 one thing he, like at first, he was sitting down in his
16 chair, you know, when things started getting bad he
17 stood up.

18 MR. TURRELL: Okay.

19 SERGEANT ACOSTA: That is when I was like, oh,
20 oh.

21 MR. TURRELL: Okay.

22 SERGEANT ACOSTA: And he was trying to get to
23 the other shore.

24 MR. TURRELL: Do you know if any water, just
25 before the boat capsized, coming from on the

1 floorboards at all?

2 SERGEANT ACOSTA: No.

3 MR. TURRELL: No.

4 SERGEANT ACOSTA: No.

5 MR. TURRELL: Okay. Andy, do you have any
6 questions?

7 MR. MURRAY: Yes. -- what were the times that
8 were recorded on the --

9 MR. TURRELL: There are two photographs from
10 inside the boat. One was time stamped, they were taken
11 in sequence, 15:54.46, and then about eleven seconds
12 later, 15:54.57. And the third one says that is about
13 less than a minute before the accident occurred, so, we
14 are looking at somewhere 15:57 of the capsized time.

15 MR. MURRAY: Yeah, that is --

16 MR. TURRELL: That is right.

17 MR. MURRAY: -- is that correct?

18 MR. TURRELL: That is right.

19 MR. MURRAY: Okay. Is there a time on the
20 picture when you are on land?

21 MR. TURRELL: Yes. That was 15:48.11.

22 MR. MURRAY: Right, okay. And then there was
23 about, Sergeant, you thought it took you about two
24 minutes from when that picture was taken to when you
25 got on the boat.

1 SERGEANT ACOSTA: Probably, because we were
2 running, because he was, Sergeant Blakely was kind of
3 hurrying us up and he called from the cell phone for a
4 second time, like, man, get over here, run. So, from
5 this point to that we were running.

6 MR. MURRAY: Right.

7 SERGEANT ACOSTA: So, I would say it took us a
8 minute, maybe two minutes. No more than that.

9 MR. MURRAY: Right. And so, and then about
10 four minutes later, the second picture was taken.

11 SERGEANT ACOSTA: Yes.

12 MR. MURRAY: That was right before the boat
13 capsized.

14 SERGEANT ACOSTA: Yes.

15 MR. MURRAY: So, that, that seems consistent
16 about the four to five minutes from they left to when
17 they capsized.

18 SERGEANT ACOSTA: Yes.

19 MR. MURRAY: No, I have no further questions,
20 and again, I am just, I am sorry you all went through
21 this, and you know, anything we can do is to support
22 you.

23 MR. TURRELL: Okay. Andy, I am going to
24 conclude the interview right now. And I will get some
25 contact information. We will get this transcribed and,

1 you know, whenever the transcripts are made available
2 to the parties, you will get a copy of it.

3 MR. MURRAY: Right.

4 MR. TURRELL: Okay. This is Morgan Turrell,
5 National Transportation Safety Board. Sergeant Acosta,
6 please acknowledge this is recorded.

7 SERGEANT ACOSTA: I acknowledge.

8 MR. TURRELL: Okay. Thank you. Thanks, Andy.

9 MR. MURRAY: That is it for today?

10 MR. TURRELL: That is it for today.

11 (Whereupon, the interview was concluded.)